

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
(DETROIT)**

<b>In re:</b>	)	
	)	
<b>CITY OF DETROIT, MICHIGAN,</b>	)	<b>CASE NO.: 13-53846</b>
	)	
<b>Debtor.</b>	)	<b>CHAPTER 9</b>
	)	
	)	<b>Hon. Steven W. Rhodes</b>
	)	

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**STIPULATION REGARDING SECTION 943(b)(3) BRIEFING**

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This Stipulation (“**Stipulation**”) is made by and among (i) the City of Detroit, Michigan (the “**City**”) and U.S. Bank National Association, in its capacity as trustee (the “**DWSD Trustee**”) for those certain bonds (the “**DWSD Bonds**”) issued by the City of Detroit (the “**City**”) for the DWSD<sup>1</sup> to finance and refinance improvements to the City’s Water Supply System and the City’s Sewage Disposal System (together, the “**Parties**”). By and through each of their undersigned counsel, the Parties have reached an agreement with respect to, and request the entry of an order approving, the following:

**RECITALS**

As of the date of this Stipulation, the City has reached an agreement, subject to this Court’s approval, with certain DWSD parties, including the DWSD Trustee, regarding the DWSD parties’ Plan objections and related matters, as set forth in the *Motion of the Debtor for a Final Order Pursuant to (I) 11 U.S.C. §§ 106, 364(c), 364(d)(1), 364(e), 902, 904, 921, 922 and 928 (A) Approving Postpetition Financing and (B) Granting Liens and (II) Bankruptcy Rule*

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<sup>1</sup> Capitalized terms used but not defined herein have the meanings ascribed to them in the *Corrected Fifth Amended Plan for the Adjustment of Debts of the City of Detroit (July 29, 2014)* [Docket No. 6379] (the “**Plan**”).

*9019 Approving Settlement of Confirmation Objections* [Docket No. 6644] (the “**DWSD 9019 Motion**”). Among other things, the DWSD 9019 Motion provides that the DWSD Trustee Fee Claim (as defined in the DWSD 9019 Motion) will be resolved by binding arbitration, and that the final arbitration award will be conclusive for purposes of satisfying 11 U.S.C. § 943(b)(3) with respect to the DWSD Trustee Fee Claim. (See DWSD 9019 Motion at 15). The DWSD 9019 Motion is set for hearing on August 25, 2014.

Pursuant to the Court’s *Eighth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor’s Plan of Adjustment* [Docket No. 6699], parties must file any briefs regarding the Court’s authority to determine the reasonableness of fees under 11 U.S.C. § 943(b)(3) on or before August 18, 2014. If the DWSD 9019 Motion is approved, then any issues with respect to the Court’s authority regarding the DWSD Trustee’s fees and expenses will be resolved without the need for further briefing. In an attempt to avoid briefing that may be mooted and unnecessary dependent upon the outcome of the hearing on the DWSD 9019 Motion on August 25, 2014, the Parties request that the Court enter an order extending the DWSD Trustee’s deadline to file a brief regarding 11 U.S.C. § 943(b)(3) from August 18, 2014, to September 2, 2014.

### **STIPULATION**

**NOW, THEREFORE**, it is hereby stipulated and agreed by and between the Parties, through their undersigned counsel, that the Court enter the proposed Order attached hereto as **Exhibit I** approving this Stipulation, and extending the deadline for the DWSD Trustee to file a

brief regarding the Court's authority to determine the reasonableness of the DWSD Trustee's fees and expenses under 11 U.S.C. § 943(b)(3) from August 18, 2014, to September 2, 2014.

Respectfully submitted this the 14<sup>th</sup> day of August, 2014.

/s/ Heather Lennox

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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *Stipulation Regarding Section 943(b)(3) Briefing*, was filed and served via the Court's electronic case filing and noticing system to all parties registered to receive electronic notices in this matter on this the 14<sup>th</sup> day of August, 2014:

/s/ David E. Lemke

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